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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 WILLIAM J. WISE,)
17 Defendant.)
18)
19)

No. CR 12-111 EMC

STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING AND
EXCLUDING SPEEDY TRIAL TIME (18
U.S.C. § 3161)

20 Counsel for the United States and counsel for Defendant William Wise appeared on May
21 23, 2012 for a status hearing in the District Court, all time having previously been excluded
22 under the Speedy Trial Act. At that hearing, counsel for the United States stated that there was a
23 significant amount of discovery at issue (over 100 boxes of documents). Based on the nature of
24 the charges, the proffer relating to the volume of discovery, and the agreement of counsel for
25 Defendant Wise, the Court found that this case was properly designated as complex pursuant to
26 18 U.S.C. § 3161(h)(7)(A) & (B)(ii), and that time should also be excluded based on effective
27 preparation and continuity of counsel pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). The
28 Court set a next status date of July 25, 2012.

STIP. & [PROPOSED] ORDER
CR 12-111 EMC

1 The parties are in the process of reviewing discovery, conducting additional investigation,
2 and negotiating a possible disposition. Counsel for the United States will now be out of the
3 District on July 25 and August 8, 2012, and the Court is unavailable on August 15, 2012.
4 Accordingly, the parties stipulate that the July 25, 2012 hearing should be vacated and continued
5 to August 22, 2012 at 2:30 p.m., with time excluded based on the complex designation, effective
6 preparation, and continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(ii), (B)(iv).

7
8 SO STIPULATED.

9 DATED: July 20, 2012

Respectfully submitted,

10 MELINDA HAAG
United States Attorney

11 /s/
12 TRACIE L. BROWN
Assistant United States Attorney

13 DATED: July 20, 2012

14 /s/
15 PAUL D. WOLF
Attorney for Defendant William J. Wise

16 **[PROPOSED] ORDER**

17 For good cause shown and based on the parties' representations and agreement at the May
18 23, 2012 hearing and as set forth herein, the Court finds that failing to exclude the time between
19 May 23, 2012 and August 22, 2012 would unreasonably deny the Defendant and government
20 continuity of counsel, and would deny both counsel the reasonable time necessary for effective
21 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).
22 The Court further finds that, in light of the nature of the charges and the volume of discovery, the
23 case is properly designated as complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). For all of
24 these reasons and as set forth on the record at the May 23, 2012 hearing, the Court finds that the
25 ends of justice served by excluding the time between May 23, 2012 and August 22, 2012 from
26 computation under the Speedy Trial Act outweigh the best interests of the public and Defendant
27 William Wise in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between
28

1 May 23, 2012 and August 22, 2012 shall be excluded from computation under the Speedy Trial
2 Act. 18 U.S.C. § 3161(h)(3)(A), (h)(7)(A), (h)(7)(B)(ii) & (B)(iv).

3 The hearing set for July 25, 2012 is hereby vacated, and parties shall appear for their next
4 status hearing on August 22, 2012 at 2:30 p.m.

5
6 DATED: July 23, 2012

